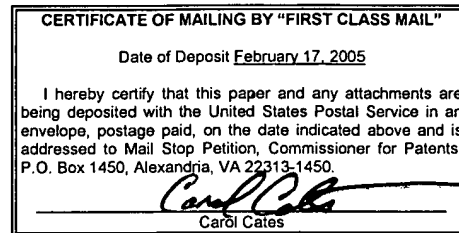


DAE
DIVISION
JFW
2005 FEB 23 PM 2:44

Appl. No. : 10/696,974
Applicant : UniPoint Holdings, LLC, et al.
Filed : October 30, 2003
TC/A.U. : 2643
Examiner : Unassigned
Docket No. : UNIP:002
Customer No. : 29395

Confirmation No. 8496

RECEIVED
MAR 07 2005
OFFICE OF PETITIONS



Mail Stop - Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
MAR 24 2005
OIPE/JCWS

SUBMISSION OF DEFICIENCY FEE UNDER 37 CFR § 1.28(c)

Dear Sir/Madam:

Applicant hereby corrects the entity status of Applicant as non small (large) entity. Original payment was mistakenly made for a small entity in this matter, rather than appropriately as a large entity. The difference between what should have been paid versus what was actually paid is submitted herewith. Applicant's representative had a good faith belief in status as a small entity, and it has just been discovered that such status as a small entity was established in error. Applicant hereby submits the deficiency based on the amount of the fee, for other than a small entity, at the time the deficiency is paid in full.

03/01/2005 DALLEN 00000039 10696974

01 FC:1461

1571.00 OP

An itemization of the apparent difference, and amounts properly payable (for non small (large) entity status) in view of what was originally paid (for small entity status), is itemized below.

ITEMIZATION OF DEFICIENCY PAYMENT

Small entity fees paid October 30, 2003

Utility Filing Fee: \$385.00

Extra Claim Fees: \$244.00

Total: \$629.00

Fees that should have been paid for a non small entity (large entity):

Filing Fee: \$300.00

Search Fee: \$500.00

Examination Fee: \$200.00

Excess Claim Fees:	\$1,200.00	- 8 additional claims x \$50.00
		- 4 additional independent claims x \$200.00

Total Due (large entity): \$2,200.00

SMALL ENTITY FEES PAID

Filing fees in the amount of \$629.00 were paid on October 30, 2003, based on mistaken good faith belief of small entity status. It has been determined that non small entity (large entity) status is appropriate for Applicant. The total filing fees that would have been payable if correctly based on non small entity (large entity) status equal \$2,200.00.

DEFICIENCY OWED

Based on the difference between the original fees paid and the non small entity (large entity) fees that correctly should have been paid, the deficiency is \$1,571.00. A check in the amount of \$1,571.00 is enclosed.

For your convenience, a copy of the original Fee Transmittal dated October 30, 2003, is also enclosed.

CONCLUSION

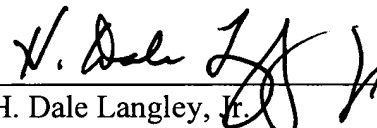
It is believed that Applicant has fully corrected the error in small entity status in good faith which Applicant believes to be in compliance with §1.28 (c)(1) and (c)(2). If the Examiner has any questions or concerns, he/she is invited to contact the below-listed attorney for Applicant at (512) 477-3830.

The Commissioner is hereby authorized to charge any additional fee(s) or underpayments of the fee(s) under 37 CFR 1.16 and 1.17 to Deposit Account No. 50-1350 in the name of H. Dale Langley, Jr., P.C. We thank you in advance for processing this correction request as outlined above.

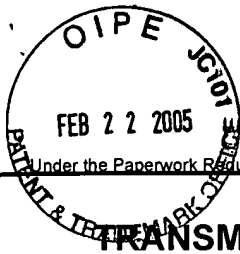
Respectfully submitted,

Dated: February 17, 2005

By: _____


H. Dale Langley, Jr.
Reg. No. 35,927

The Law Firm of H. Dale Langley, Jr.
610 West Lynn, Austin, Texas 78703
Phone: (512) 477-3830
Fax: (512) 477-4080
E-Mail: dlangley@iptechlaw.com



TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/696,974
		Filing Date	October 30, 2003
		First Named Inventor	J. Michael Holloway, et al.
		Art Unit	2643
		Examiner Name	Unassigned
Total Number of Pages in This Submission	5	Attorney Docket Number	UNIP:002

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Submission of Deficiency Fee Under 37 CFR § 1.28(c) <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard Check in the amount of \$1,571.00
<input type="text"/> Remarks		

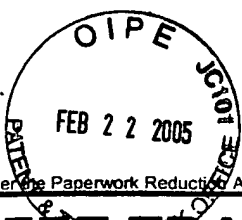
RECEIVED
MAR 07 2005
OFFICE OF PETITIONS

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	The Law Firm of H. Dale Langley, Jr., P. C.		
Signature			
Printed name	H. Dale Langley, Jr.		
Date	February 17, 2005	Reg. No.	35,927

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Carol Cates	Date	February 17, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/17 (10-03)
Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 629.00

Complete if Known

Application Number
Filing Date October 30, 2003
First Named Inventor Holloway, J. Michael, et al
Examiner Name
Art Unit
Attorney Docket No. UNIP:002

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 50-1350
Deposit Account Name The Law Office of H. Dale Langley, Jr.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	\$385.00
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
28	-20** = 8	9	72
Independent Claims	7	-3** = 4	43
Multiple Dependent		0	0

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 244.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051 130		2051 65		Surcharge - late filing fee or oath	
1052 50		2052 25		Surcharge - late provisional filing fee or cover sheet	
1053 130		1053 130		Non-English specification	
1812 2,520		1812 2,520		For filing a request for ex parte reexamination	
1804 920*		1804 920*		Requesting publication of SIR prior to Examiner action	
1805 1,840*		1805 1,840*		Requesting publication of SIR after Examiner action	
1251 110		2251 55		Extension for reply within first month	
1252 420		2252 210		Extension for reply within second month	
1253 950		2253 475		Extension for reply within third month	
1254 1,480		2254 740		Extension for reply within fourth month	
1255 2,010		2255 1,005		Extension for reply within fifth month	
1401 330		2401 165		Notice of Appeal	
1402 330		2402 165		Filing a brief in support of an appeal	
1403 290		2403 145		Request for oral hearing	
1451 1,510		1451 1,510		Petition to institute a public use proceeding	
1452 110		2452 55		Petition to revive - unavoidable	
1453 1,330		2453 665		Petition to revive - unintentional	
1501 1,330		2501 665		Utility issue fee (or reissue)	
1502 480		2502 240		Design issue fee	
1503 640		2503 320		Plant issue fee	
1460 130		1460 130		Petitions to the Commissioner	
1807 50		1807 50		Processing fee under 37 CFR 1.17(q)	
1806 180		1806 180		Submission of Information Disclosure Stmt	
8021 40		8021 40		Recording each patent assignment per property (times number of properties)	
1809 770		2809 385		Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770		2810 385		For each additional invention to be examined (37 CFR 1.129(b))	
1801 770		2801 385		Request for Continued Examination (RCE)	
1802 900		1802 900		Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 0

SUBMITTED BY

Name (Print/Type) H. Dale Langley, Jr. Registration No. 35,927 Telephone (512) 477-3830
Signature [Signature] (Attorney/Agent) Date Oct. 30, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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